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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

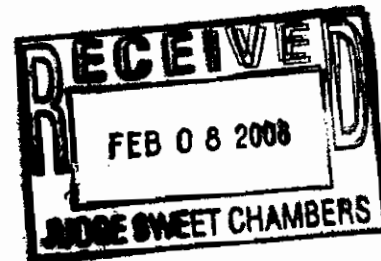
AXION POWER INTERNATIONAL, INC.,
WILLIAM AND TRACY AHEARN, h/w,
SALLY FONNER, and
JAMES SMITH, M.D.,

Plaintiffs,

- against -

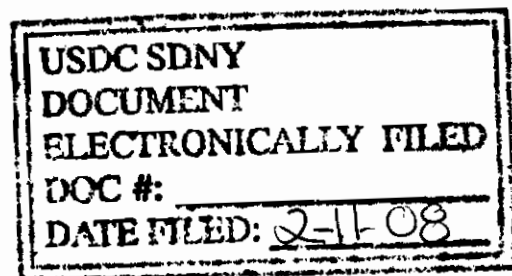
MERCATUS & PARTNERS, LTD.,
MF GLOBAL, INC., MF GLOBAL, UK, Ltd.,
CARI MASI a/k/a CARY MASI,
BNP PARIBAS SECURITIES SERVICES,
BANCA MB S.p.A.,
DWIGHT PARSCALE,
STEPHANO CEVALO,
CONTINENTAL STOCK TRANSFER AND
TRUST COMPANY,
PENSON FINANCIAL SERVICES, INC., and
BROWN BROTHERS HARRIMAN & CO.,

Defendants.



Civ. Action No. 07-CV-11493 (RWS)

**STIPULATION TO
ADJOURNMENT**



IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys for Plaintiffs Axion Power International, William and Tracy Ahearn, Sally Fonner and James Smith, M.D. ("Plaintiffs") and for Defendant Penson Financial Services, Inc. ("Penson") that Penson's time to answer or otherwise respond to Plaintiff's December 20, 2007 Complaint be adjourned from the previous date of February 18, 2008 to March 3, 2008.

This Stipulation may be executed in counterparts, and a signature transmitted by facsimile may be filed as an original.

Dated: February 6, 2008

FELLHEIMER & EICHEN LLP

By: 

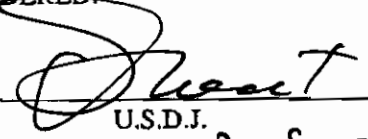
Alan S. Fellheimer
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Tel: (212) 461-7142

MAYER BROWN LLP

By: 

Mark G. Hanchet
Jordan Rosenfeld
1675 Broadway
New York, NY 10019
Tel: (212) 506-2500

SO ORDERED:



U.S.D.J.
2-8-08